

To: Mueller, Sarah[Mueller.Sarah@epa.gov]
Cc: David Taylor[dtaylor@nndoj.org]
From: Colin Bradley
Sent: Tue 6/9/2015 2:41:53 PM
Subject: RE: Haystack Mines area -- Section 13

Sarah,

Sorry for the delayed response! But I hope the following helps:

From what I understand, Public Land Order 2198 land is administered in a split estate where the BIA administers the surface and the BLM administers the subsurface. Additionally, it is the Navajo Nation's belief that Congress intended these lands to be added to our reservation. While the Nation believes that PLO 2198 lands belong to us, the Nation has not taken any formal action in regards to this claim.

Best,

Colin

From: Mueller, Sarah [mailto:Mueller.Sarah@epa.gov]
Sent: Thursday, April 23, 2015 2:59 PM
To: David Taylor
Cc: Colin Bradley
Subject: RE: Haystack Mines area -- Section 13

Thank you very much.

Best,

Sarah

Sarah E. Mueller

Office of Regional Counsel

U.S. Environmental Protection Agency

Region IX

75 Hawthorne St., ORC-3

San Francisco, CA 94105

(415) 972-3953

mueller.sarah@epa.gov

From: David Taylor [<mailto:dtaylor@nndoj.org>]

Sent: Thursday, April 23, 2015 1:23 PM

To: Mueller, Sarah

Cc: Colin Bradley

Subject: RE: Haystack Mines area -- Section 13

Hi Sarah,

We have started to identify some information that we believe will be helpful to you on this matter. I have asked Colin Bradley of this office to review this information and then get back to you. Colin is another attorney in the NNDOJ NRU who is now working on uranium related issues. Colin will be getting back to you shortly.

Best regards,

Dave Taylor

David A. Taylor

Navajo Nation Department of Justice

P.O. Box 2010

Window Rock, AZ 86515

928-871-6347

928-871-6226 direct

928-871-6177 fax

dtaylor@nndoj.org

Confidentiality Notice: If this e-mail message concerns legal matters, this communication and any attachments are attorney-client privileged and confidential, and intended for use only by the individual or entity named above as the intended recipient. If you are not the intended recipient, reading, distributing or copying this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender and delete this e-mail and any attachments. Thank you.

From: Mueller, Sarah [<mailto:Mueller.Sarah@epa.gov>]

Sent: Wednesday, April 22, 2015 2:13 PM

To: David Taylor

Subject: Haystack Mines area -- Section 13

Dave,

I am working with our Superfund program on addressing a group of mines in the area of Haystack No. 1 mine. It looks like the mines are contiguous and are located on four different parcels of land. We are trying to determine the status and jurisdiction for each parcel and are hoping you can provide some insight on one of the areas, Section 13. I am attaching several maps of the area.

One parcel (Section 19, T13N, R10W) appears to be on private property in New Mexico. Two

parcels (Section 18, T13N, R10W and Section 24, T13N, R11W) appear to be on Indian allotment parcels. The fourth parcel is the SE $\frac{1}{4}$ Section 13, T13N, R11W; the mine here is sometimes referred to as Bibo Trespass. I think this parcel has the same status as S $\frac{1}{2}$ N $\frac{1}{2}$ Section 13, but the mining area we are looking at is just in the SE $\frac{1}{4}$.

The information we have gathered indicates that this parcel is subject to withdrawal under Public Land Order 2198. It has also at one point been subject to withdrawal for the AEC under PLO 964, but PLO 964 was revoked in 1994 by PLO 7091. My understanding is that PLO 2198 was intended to facilitate land consolidation for the Navajo Nation, but that an act of Congress is required to actually make this happen. I haven't found any information on such legislation, so I am assuming none has been passed. Our information indicates that BIA administers this land, although we have seen other documents that suggest that BLM administers it or has some type of jurisdiction there. In addition, a map that we have received from Navajo Lands department shows this area to be part of Navajo Indian Country. As far as I can tell, these parts of Section 13, and maybe also Sections 3 and 11, have a somewhat unique status in the Eastern Agency area. I am hoping that you might be able to clarify for me what the status of this area is, or point me to additional sources of information.

Thank you in advance for any assistance you can offer. Please feel free to give me a call if you want to discuss.

Sarah

Sarah E. Mueller

Office of Regional Counsel

U.S. Environmental Protection Agency

Region IX

75 Hawthorne St., ORC-3

San Francisco, CA 94105

(415) 972-3953

mueller.sarah@epa.gov

